

# Montana State Library

This cover sheet created by Internet Archive for formatting.



Digitized by the Internet Archive  
in 2008 with funding from  
Montana State Library

S

328.05

L13i

v. 12, no. 1

SHLFED WITH  
PERIODICALS

STA

3 0864 0014 5432 4

JUN 03 1999

MONTANA STATE LIBRARY

1515 E. 6TH AVE.

HELENA, MONTANA 59520

# THE INTERIM

JUNE 1999

HELENA, MONTANA

VOL. XII NO. 1

## THE INTERIM RETURNS

Publication Resumes...Publication of **THE INTERIM** resumes with this issue and will continue each month through December 2000. The monthly bulletin of legislative activities is published by the Legislative Services Division and includes reports on all meetings of legislative committees during the interim. The monthly calendar of activities in each issue will provide current information on all future meetings. "The Back Page" will provide an in-depth analysis each month on a topic of importance to Montanans, such as eminent domain, utility restructuring, government competition with private vendors, and mental health managed care.

## CAPITOL CLOSURE

Capitol Closed for Renovation...Following the adjournment of the 56th Legislature, the Capitol was closed for renovation and restoration. The Governor's Office, the Office of Budget and Program Planning (OBPP), the Legislative Services Division (LSD), and the Legislative Fiscal Division (LFD) moved their offices to various locations in Helena prior to the closure. The Governor's Office moved to the Department of Natural Resources and Conservation at 1625 11th Avenue. OBPP, LSD, and LFD were relocated to the Federal Building in downtown Helena at 301 S. Park Avenue. The phone numbers and e-mail addresses for all of these offices remain the same. The Secretary of State and the Legislative Audit Division will remain in the Capitol until the fall at which time they, too, will relocate their offices. The Capitol is scheduled to be reopened in time for the 2001 legislative session.

PLEASE RETURN

## BUSINESS, LABOR, AND AGRICULTURE COMMITTEE

New Look For the Interim...The planning process for the 1999-2000 interim is in full swing. Senate Bill No. 11 created several structural changes that alter the way the Legislature has traditionally done business during the interim. Interim committees will still conduct assigned studies and deliberate the merits of policy changes, but the new committee duties will begin to create a seamless transition from interim to session and vice versa. For the veterans, the changes should be minor and for those members who are about to experience their first interim session, the changes should result in an effective educational process that will help prepare them for the upcoming 2001 legislative session.

Legislative Council has met and assigned the numerous study resolutions and study bills to the seven standing interim committees. Of particular note, the Business and Labor Committee has been redesignated as the Business, Labor and Agriculture (BLA) Committee. The formal statutory change will occur next session.

Business, Labor, and Agriculture Committee Ready to Work...Business, Labor, and Agriculture Committee members can expect a full agenda over the next 15 months. Three studies have been assigned to the panel and each will require a great deal of Committee time and consideration. The first study is HB 515, which is a request to address the issue of government competition with private vendors. This is a hot topic and will most likely consume the bulk of the Committee's resources.

The second study, SJR 15, seeks recommendations regarding the workers' compensation system. The root of the question is whether or not Montana's work comp program is competitive with programs in surrounding states. With recent reporting schedules coming out during the interim, members will have access to the latest data with which to make any recommendations.

Finally, Legislative Council assigned SJR 21 to the BLA Committee. SJR 21 requests recommendations about whether the state can develop new incentives for preserving agricultural land. Specifically, the resolution asks the Committee to gather detailed information about cluster development. A bill allowing cluster development was indefinitely postponed during the final days of the 56th legislative session.

BLA Has Oversight Duties...In terms of new duties, each interim committee is required to conduct oversight activities with a variety of executive branch agencies. Members of BLA will hear from the Departments of Agriculture, Commerce, Labor and Industry, and Livestock and the Public Service Commission and the State Auditor. To facilitate the effective exchange of information and the subsequent monitoring and evaluation of agency programs, staff is preparing an oversight plan designed to focus agency and member energy on specific issues and questions. This function, in addition to administrative rule review responsibilities, will round out a busy interim.

If you have any questions regarding the Committee's duties or meeting schedule or

would like to be placed on the interested persons' list please contact Gordy Higgins, Legislative Services Division, at 444-3064, or by e-mail at <go Higgins@mt.state.us>.

## STATE ADMINISTRATION, PUBLIC RETIREMENT, AND VETERANS' NEEDS COMMITTEE

SAIC Committee Has Full Agenda... The Legislative Council referred two interim studies to the State Administration, Public Retirement, and Veterans' Needs Committee (SAIC) for this interim. House Bill No. 79 concerns retirement, health insurance, and disability benefits issues for public employees and retirees. Tasks specified in the bill include the following:

- ▶ oversight of and policy guidance for the Public Employees' Retirement Board's implementation of a new Defined Contribution retirement plan as an optional retirement plan for all current and future members of the Public Employees' Retirement System;
- ▶ examination of options for addressing the cost of postretirement health insurance and other medical care for public retirees; and
- ▶ examination of options for providing disability benefits for public retirees.

Senate Joint Resolution No. 9 concerns the state's contracting laws and procedures. Tasks specified in the bill include the following:

- ▶ a review of current laws governing contracting procedures;
- ▶ a review of agency contracting practices;
- ▶ an investigation of relevant experiences in other states;
- ▶ an examination of Montana's experiences and "lessons learned" with regard to Montana's recent "large-scale" contracts (e.g., MTPRIME and Mental Health Managed Care);
- ▶ an examination of the review and technical support available for contracting;
- ▶ identification and discussion of policy options for improving Montana's contracting process (e.g., contract procurement, contract negotiations, and contract enforcement).

The primary legislative research staff for HB 79 activities is Sheri Heffelfinger. The primary staff for the SJR 9 study is Dave Bohyer.

SAIC Has Other Duties...In addition to the specific interim oversight and study tasks listed above, the SAIC is by statute (under the interim committee restructuring bill, SB 11) also responsible for administrative rule review, program evaluation, and monitoring of the following executive branch agencies and the entities attached to the agencies for administrative purposes:

- ▶ Department of Administration;
- ▶ Department of Military Affairs; and
- ▶ Office of the Secretary of State.

The statutory duties of the SAIC for each of the above listed agencies and their administratively attached entities involves specific attention to the following:

- ▶ key issues likely to require future legislative attention;
- ▶ opportunities to improve existing laws affecting matters within the SAIC's jurisdictional areas; and
- ▶ experiences of the state's citizens served by the agencies under the SAIC's jurisdiction.

Finally, other interim studies on issues overlapping into the SAIC's jurisdictional areas include the following:

- ▶ the Legislative Finance Committee's HB 2 examination of the state's informational management systems;
- ▶ the Business, Labor, and Agriculture Committee's HB 515 study of government competition with the private sector and SJR 15 examination of workers' compensation issues; and
- ▶ the Education and Local Government Committee's HJR 38 examination of the state's potential assumption of part of the responsibility for the salary, cost-of-living increases, and longevity pay for juvenile probation officers.

Although an organizational meeting of the SAIC has not yet been coordinated, SAIC members will be contacted by the Committee's lead staff and will receive a packet of materials to help kick-off the Committee's interim activities.

For further information about SAIC, please contact Sheri S. Heffelfinger, Legislative Services Division, at (406) 444-3596 or by e-mail at <[sheffelfinger@state.mt.us](mailto:sheffelfinger@state.mt.us)>.

## LEGISLATIVE FINANCE COMMITTEE

LFC to Elect New Presiding Officer....The Legislative Finance Committee will meet on June 17 at 9 a.m. in Room B7 of the Federal Building at 301 S. Park Avenue in Helena. At that time, the Committee will elect a new presiding officer for a two year term to succeed Senator Chuck Swysgood. By current Committee rules, the next

presiding officer must be a Democrat. Other officers will also be elected. The Committee will meet at least once quarterly during the interim period.

Fiscal Report to be Presented...The Legislative Fiscal Analyst's 2001 Biennium Fiscal Report will be presented at the meeting on June 17. The presentation will summarize the 2001 biennium budget and fiscal policy enacted by the 56th Legislature.

The printed report will include an Overview volume and two volumes of detailed revenue and agency budget detail. The Overview volume will contain a summary of legislative action on the 2001 biennium budget and fiscal policy, including summary tables and reference data. Copies of the Overview will be distributed to all legislators and state agencies in mid-June. Copies of the other two volumes will be available to legislators upon request. Agencies with a need for additional copies and interested non-state entities will be able to purchase the reports from the Legislative Services Division beginning on June 18. The report will also be available on the Internet at the Legislative Branch website. The number of printed volumes available for purchase will be limited.

Committee to Plan Work for Interim...Also at its June 17 meeting, the Legislative Finance Committee will plan its work for the 2001 biennium interim, including the establishment of subcommittees on the oversight of mental health managed care (HJR 35) and on information technology costs and management (HB 2). Additional reports to be presented by the staff of the Legislative Fiscal Division and executive branch personnel include the LFA 2001 biennium interim work plan and the status of the mental health managed care contract.

## REVENUE AND TAXATION COMMITTEE

Revenue Oversight Committee Has New *Nom de Plume*...Senate Bill No. 11 (Ch. 19, L. 1999) revised the structure of interim legislative committees. The bill created specific committees for conducting interim studies and for the administrative rule review and monitoring and review of executive branch agencies. In particular, the bill eliminates the Revenue Oversight Committee and replaces it with the Revenue and Taxation Committee. Section 29 of the bill provides that the Revenue and Taxation Committee has administrative rule review, program evaluation, and monitoring functions for the Department of Revenue and the Department of Transportation and the entities attached to those departments for administrative purposes. Other than the name change and oversight responsibility for the Department of Transportation, the activities of the new Committee will not be much different than the former Revenue Oversight Committee.

New Committee Meets June 15...The Revenue and Taxation Committee is tentatively scheduled to meet from 10 a.m. to 12 p.m. on Tuesday, June 15 on the

fourth floor (Room 443) of the Federal Building (301 South Park) in Helena. This organizational meeting is the day before the proposed special session of June 16. Committee members are representatives Ron Erickson, Dan Harrington, Chase Hibbard, Bob Story, Roger Somerville, and Emily Swanson, and senators Vicki Cocchiarella, Bob Depratu, Jon Ellingson, Bill Glaser, Fred Thomas, and Mignon Waterman. The first order of business will be the election of officers. Although the agenda has not been set, items for discussion will include:

- ▶ oversight duties of the Committee;
- ▶ the taxation of electric utilities and natural gas utilities. SB 390 (electric utility restructuring) and SB 396 (natural gas utility restructuring) enacted during the 1997 legislative session still require the Committee to review the tax implications of restructuring;
- ▶ the Committee's revenue estimating responsibilities;
- ▶ review of state payments in lieu of taxes required by SB 454;
- ▶ other statutory duties of the Committee; and
- ▶ other issues of interest.

As noted above, the initial meeting of the Committee is scheduled to coincide with the June 16 special session to ratify a reserved water rights compact between the Crow Indian Tribe and Montana. As is the case with most special sessions, rumors are surfacing about expanding the issues to be dealt with. If the special session begins sooner than anticipated, then the organizational meeting may be held at a different time and place. Any change in the meeting will be posted to the Internet as soon as possible.

For more information about the meeting or the Revenue and Taxation Committee in general, or if you want to be included on the Committee's interested persons mailing list, contact Jeff Martin at the Legislative Services Division, (406) 444-3064 or by e-mail at <jmartin@state.mt.us>.

## CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES COMMITTEE

New Committee Replaces Children and Families...The Children, Families, Health, and Human Services Committee is one of the new interim committees created by Senate Bill No. 11. The Committee replaces the former Children and Families Committee and will be responsible for the area of human services. The Committee members are: Senators Mignon Waterman, Eve Franklin, Bob Keenan, and Dale Berry, and Representatives Carolyn Squires, Loren Soft, Trudi Schmidt, and Bob Lawson. The Committee has administrative rule review, oversight, and monitoring responsibilities for the Department of Public Health and Human Services. Although no interim studies were assigned to this Committee this interim, a subcommittee of members and staff will be working in concert with the Legislative Finance Committee

on the mental health managed care study as provided for in House Joint Resolution No. 35. The Committee is planning a one-hour meeting to elect officers that will be scheduled in conjunction with the special legislative session tentatively scheduled for mid-June. A general organizational meeting is contemplated for mid-August.

If you wish to be placed on the interested persons list, please contact Susan Byorth Fox by phone at (406) 444-3597, by e-mail at <sfox@state.mt.us>, or by mail at the Legislative Services Division, PO Box 201706, Helena MT 59620-1706.

## DISTRICTING AND APPORTIONMENT COMMISSION

Members Appointed... Legislative leadership announced the appointment of the first four members of the Districting and Apportionment Commission on April 1. As provided in statute, the members were appointed from four regions across the state. Elaine Sliter, Somers, was appointed to represent District 1 (western Montana). Joe Lamson, Helena, was appointed to represent District 2 (southwestern Montana). Sheila Rice, Great Falls, was appointed to represent District 3 (the highline and central Montana). Jack Rehberg, Billings, was appointed to represent District 4 (southcentral and southeastern Montana). The Commission members provide a depth of political and redistricting experience. Jack Rehberg is the only Commissioner returning from the 1990 Commission and is a former legislator. Sheila Rice is also a former legislator. Elaine Sliter is former executive director of the Montana Republican Party and has worked for the legislature in the past few sessions. Joe Lamson followed the 1980 redistricting closely for the Montana Democratic Party.

Unable to Agree on Fifth Member... The Commissioners gathered on April 16 and again on April 20 in order to select a fifth member within the 20 days granted in the Montana Constitution. The Commissioners were unable to agree on a fifth member and the decision was turned over to the Supreme Court. The Montana Constitution provides that if the Commissioners are unable to select the fifth member, a majority of the Supreme Court will choose the member, who also serves as presiding officer. The Supreme Court will make the decision in closed session. The item has been placed on their agenda and should be decided in the next couple of weeks.

Commission To Begin Meeting... The Commission will meet after the fifth member is selected and is expected to meet occasionally throughout the interim. The Commission's charge is to redistrict the state for both the congressional and legislative districts following the 2000 census. By January 1, 2001, the state will learn whether an additional congressional seat will be gained in the reapportionment of congressional seats. The census data is expected in the first months of 2001, when redistricting will begin in earnest. In the meantime, the Commission will be preparing background research, adopting a timetable for the process, selecting criteria, and making decisions on data and methodology.

If you wish to be placed on the interested persons list, please contact Susan Byorth Fox by phone at (406) 444-3597, by e-mail at <sfox@state.mt.us>, or by mail at Legislative Services Division, PO Box 201706, Helena MT 59620-1706.

## TRANSITION ADVISORY COMMITTEE

TAC Reauthorized...The Transition Advisory Committee on Electrical Industry Restructuring (TAC) consists of 12 legislators (6 from each house) and 12 appointed non-voting members representing various agencies, interest groups, and Montana citizens in general. Senate Bill 390, the 1997 enabling legislation for restructuring, includes the provisions for the TAC and specifies that the term of the first set of committee members does not expire until December 31, 1999. However, at the time of this writing, the composition of the new committee has not been confirmed.

TAC Duties...Senate Bill 390 set forth a number of functions and duties of the TAC that are ongoing. These items are codified in 69-8-501, MCA, and include an annual report to the governor and legislative leaders on or before November 1 on the transition to effective competition in the electricity supply market. The annual report for 2000 must evaluate pilot programs and must include legislative recommendations (if appropriate) about the best means to encourage customer choice and market access for smaller customers, and about consumer protection from anti-competitive practices. The report for 2000 will also address the larger and more controversial issue of determining what "effective competition" means in the Montana context and whether current laws and policies are adequate to help bring effective competition to fruition.

The TAC will also deal with legislation passed in the 1999 session. HB 404 increases the number of legislative members from 8 to 12 and provides for an appropriation of \$100,000 for the interim. SB 406 enables the creation of non-profit, tax exempt purchasing cooperatives to obtain low-cost power from federal and other sources for residential and small commercial customers. The bill also requires the PSC to determine the default supplier for customers who do not choose an electricity supplier, to license default suppliers, and to promulgate licensing rules by December 1, 1999. HB 196 allows cities and towns to become local default suppliers, provided they obtain a license from the PSC. HB 337 implements the Universal System Benefits Program (USBP) formulations resulting from a TAC subcommittee's work last interim.

The TAC is likely to perform oversight and evaluation functions in connection with other issues that are integral to the restructuring process, including but not limited to, the calculation and disposition of utilities' transition charges, Montana Power Company's transaction costs and other tax-related consequences of the sale of MPC's generation facilities (which will entail collaboration with the Revenue and Taxation Committee), the implementation of the USBPs (including a negotiated rulemaking process), and the safety and reliability dimensions of regional power distribution networks. Water rights and land use issues associated with the FERC relicensing of hydroelectric plants on the Missouri River system may also arise again during this

interim.

The TAC is required to meet at least quarterly. Six to eight meetings are probable, several of which will likely take place outside of Helena. A schedule of meeting dates has not yet been adopted, but the first meeting is tentatively scheduled for September 24 in a conference room at the Federal Building in Helena.

For further information, contact Stephen Maly, Legislative Services Division, by phone at 444-3064 or via e-mail at <smaly@state.mt.us>.

## TELEVISING THE LEGISLATURE

Council to Look at Televising Legislative Deliberations...At its May 17 meeting, the Legislative Council assigned to itself an interim study proposed in HJR 18, which requests an examination of the economic feasibility of televising legislative deliberations; the development of programming, production, and transmission guidelines; and an outline of management and administrative options. The results of this study could have significant immediate as well as long-term impact on public perceptions of and involvement in the legislative process. Televised proceedings can provide the public with timely, unfiltered, and useful information about state government and, thereby, help increase civic awareness, civic involvement, and civic confidence. Montana's huge geographic expanse and sparse demography make this sort of long-distance delivery system particularly attractive. Since support of legislative leadership is crucial to the decision to go forward or not with TV coverage, the Council, rather than another interim committee, is the appropriate forum for HJR 18.

In undertaking this study, the Legislative Council need not invent the wheel--unedited coverage of legislative proceedings occurs in 18 other states--but it will be important to look at how states in comparable circumstances perform this task and to consider the relative costs and development trajectories of rapidly changing broadcast technology. There is also the potential to provide some year-round coverage of important state and local government activities and events outside the legislative arena.

Study Plan Available in August...A detailed study plan is in the works, and will be presented by staff to the Council at its next scheduled meeting in August. A preliminary analysis indicates that the study will need to address a series of basic questions, including the following:

Costs: How much, what kinds, who pays? Will private entities match public dollars?

Program Content: How much is enough? How often will hearings and floor debates be broadcast? Who decides what will be broadcast, and when? (What will be live; what will be prerecorded; what should be saved for post-session

distribution?)

Comparisons: C-Span and other states, such as Washington and Nebraska.

Technical Requirements: Interfacing with Capitol restoration, hardwiring the hearing rooms, access to cable and satellite dish networks, feasibility of providing real-time video over the Internet.

Administration: Who's in charge? What is the most cost-effective governing structure: Legislative Services, an interagency council, a public-private consortium, or a private sector entity (profit or nonprofit) under state contract?

Legislative Authorization and Appropriation: What sort of enabling legislation and seed money is necessary to launch this endeavor?

Educational Complements and Spinoffs: Are there links that can or should be made to schools and local television stations in Montana, as well as to programs and organizations outside the state?

There is good cause for substantial public involvement. The interested persons list may include the League of Women Voters, Sunbelt Communications, TCI Cablevision, the City of Helena, the Helena Television Coalition, Fox 10, MCAT, OPI, the Department of Administration, private consultants and communications groups, and various representatives from the Montana University System.

For further information, and to be placed on the interested persons' list for all notifications and other mailings associated with this study, please call Stephen Maly, Legislative Services Division, 444-3064, or send an e-mail message to <smaly@state.mt.us>.

## EDUCATION AND LOCAL GOVERNMENT COMMITTEE

Committee to Look at School and Local Government Issues... When Senate Bill 11 created the new interim committee structure, one area that was overlooked was issues relating to local government. At its May 17 meeting, the Legislative Council corrected that oversight by renaming the Education Committee as the Education and Local Government Committee (the necessary statutory changes will be made in 2001) and agreeing to add four additional members drawn from the Local Government standing committees. (As of this writing, the additional members had not yet been appointed.)

The Council then assigned three studies to the Committee. Senate Joint Resolution 16 is a study of the funding and administration of higher education, House Joint Resolution 29 is a study of local government laws, and House Joint Resolution

38 is a study of salaries for juvenile probation officers.

In addition to its assigned studies, the Committee also has oversight and administrative rule review responsibilities for the Board of Regents, the Board of Public Education, and the Office of Public Instruction. The House Education Committee has also requested the Education and Local Government Committee to look at the issue of out-of-district tuition in elementary and high school districts.

Staff for the Education and Local Government Committee consists of Connie Erickson, research analyst and lead staff person; Eddy McClure, staff attorney; and Sandy Whitney, senior fiscal analyst.

To Assume Duties of PEPB Committee...The Education and Local Government Committee has assumed the duties and responsibilities of the old Postsecondary Education Policy and Budget Committee. A subcommittee will be formed to handle these duties. This subcommittee will also conduct the SJR 16 study.

To Hold Organizational Meeting...The Education and Local Government Committee plans to hold an organizational meeting, time and place to be announced, in conjunction with the special legislative session tentatively scheduled for June 16. In addition to electing officers and adopting a meeting schedule, the Committee may hear a presentation from the Office of Public Instruction on the recently-released "Montana Statewide Education Profile".

For further information about the Education and Local Government Committee, the organizational meeting, or to be placed on the interested persons' mailing list, please contact Connie Erickson, Legislative Services Division, at 444-3064 or by e-mail at <cerickson@state.mt.us>.

## INTERIM COMMITTEE ASSIGNMENTS

House and Senate Appoint Members...The Speaker of the House and Senate Committee on Committees have appointed the following legislators to interim legislative committees.

### LEGISLATIVE COUNCIL

Rep. John Mercer

Rep. Karl Ohs

Rep. Red Menahan

Sen. Bruce Crippen

Sen. Mack Cole

Sen. Debbie Shea

Rep. Paul Sliter

Rep. Emily Swanson

Rep. Billie Krenzler

Sen. Tom Beck

Sen. Steve Doherty

Sen. Chris Christiaens

**MICROBUSINESS ADVISORY COUNCIL**

Rep. Joe McKenney  
Sen. Jon Ellingson

Rep. Steve Gallus  
Rep. Dale Berry

**GAMING ADVISORY COUNCIL**

Rep. Larry Grinde

Rep. Dale Mahlum

**ENVIRONMENTAL QUALITY COUNCIL**

Rep. Bill Tash  
Rep. Cindy Younkin  
Rep. Monica Lindeen  
Sen. Bill Crismore  
Sen. Mack Cole  
Sen. Spook Stang  
Julia Page  
Howard Strouse

Rep. Doug Mood  
Rep. Kim Gillan  
Rep. Paul Clark  
Sen. Ken Mesaros  
Sen. Jon Tester  
Sen. Bea McCarthy  
Jerry Sorenson  
Tom Ebzery

**LEGISLATIVE CONSUMER COUNCIL**

Rep. Joe Quilici  
Sen. Walter McNutt

Rep. Royal Johnson  
Sen. J.D. Lynch

**LEGISLATIVE AUDIT COMMITTEE**

Rep. Bruce Simon  
Rep. Dick Haines  
Rep. Mary Anne Guggenheim  
Sen. Reiny Jabs  
Sen. Ken Miller  
Sen. Spook Sang

Rep. Steve Vick  
Rep. Beverly Barnhart  
Rep. Bob Pavlovich  
Sen. Mike Taylor  
Sen. Linda Nelson  
Sen. Jon Tester

**DISTRICTING AND APPORTIONMENT COMMISSION**

Elaine Sliter  
Joe Lamson

Jack Rehberg  
Sheila Rice

**LEGISLATIVE FINANCE COMMITTEE**

Rep. Tom Zook  
Rep. John Witt  
Rep. Bob Raney  
Sen. Tom Beck  
Sen. Arnie Mohl  
Sen. Greg Jergeson

Rep. Lila Taylor  
Rep. Matt McCann  
Rep. Joe Tropila  
Sen. Eve Franklin  
Sen. Chuck Swysgood  
Sen. Chris Christiaens

**BUSINESS, LABOR, AND AGRICULTURE COMMITTEE**

Rep. Rod Bitney  
Rep. Carley Tuss  
Sen. John Hertel  
Sen. Dale Mahlum

Rep. Roy Brown  
Rep. Brennan Ryan  
Sen. Glenn Roush  
Sen. Debbie Shea

## CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES COMMITTEE

Rep. Loren Soft	Rep. Bob Lawson
Rep. Carolyn Squires	Rep. Frank Smith
Sen. Dale Berry	Sen. Eve Franklin
Sen. Mignon Waterman	Sen. Bob Keenan

## EDUCATION AND LOCAL GOVERNMENT COMMITTEE

Rep. Gay Ann Masolo	Rep. Joan Andersen
Rep. Tom Facey	Rep. Linda McCulloch
Sen. Alvin Ellis, Jr.	Sen. Bea McCarthy
Sen. Daryl Toews	Sen. Greg Jergeson

## LAW, JUSTICE AND INDIAN AFFAIRS COMMITTEE

Rep. Dan McGee	Rep. Jim Shockley
Rep. Gary Matthews	Rep. Carol Juneau
Rep. Jay Stovall	Rep. Gail Gutsche
Sen. Sue Bartlett	Sen. Linda Nelson
Sen. Duane Grimes	Sen. John Bohlinger
Sen. Mike Halligan	Sen. Lorents Grosfield

## REVENUE AND TAXATION COMMITTEE

Rep. Bob Story	Rep. Chase Hibbard
Rep. Dan Harrington	Rep. Ron Erickson
Rep. Emily Swanson	Rep. Roger Somerville
Sen. Bob Depratu	Sen. Jon Ellingson
Sen. Bill Glaser	Sen. Mignon Waterman
Sen. Fred Thomas	Sen. Vicki Cocchiarella

## STATE ADMINISTRATION, PUBLIC RETIREMENT, AND VETERANS' NEEDS COMMITTEE

Rep. Matt Brainard	Rep. Edith Clark
Rep. Tom Dell	Rep. Carol Williams
Sen. Don Hargrove	Sen. Pete Ekegren
Sen. Glenn Roush	Sen. Sue Bartlett

## COMPUTER SYSTEMS PLANNING COUNCIL

Rep. Mark Noennig	Rosana Skelton
-------------------	----------------

## RESERVE WATER RIGHTS COMPACT COMMISSION

Rep. Sam Rose	Rep. Toni Hagener
Sen. Bea McCarthy	Sen. Chuck Swysgood

## FUTURE FISHERIES REVIEW PANEL

Rep. Dan Fuchs	Sen. Jack Wells
----------------	-----------------

## LEGISLATIVE OVERSIGHT COMMITTEE ON MONTANA-ARCO LITIGATION

Rep. Gary Beck

Rep. Roger Somerville

Sen. Dale Mahlum

Sen. Jon Ellingson

## MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION

Rep. Karl Ohs

Sen. Dale Mahlum

**ENVIRONMENTAL QUALITY COUNCIL**

EQC Meets in May...The Environmental Quality Council (EQC) mapped out its interim study topics at its first meeting of the interim on May 24 and 25. Those study topics include the Montana Environmental Policy Act, eminent domain laws, water policy, stream corridor management, growth and land use, and environmental trends and indicators. In addition to these study topics, the EQC has legislative oversight for the Department of Fish, Wildlife, and Parks; the Department of Environmental Quality; and the Department of Natural Resources and Conservation. The EQC selected the following subcommittees to begin work on the interim study topics:

## MEPA SUBCOMMITTEE

Sen. McCarthy, chair  
Rep. Younkin, vice chair  
Sen. Mesaros  
Sen. Tester  
Rep. Mood  
Rep. Clark  
Mr. Strause

## EMINENT DOMAIN SUBCOMMITTEE

Sen. Cole, chair  
Rep. Tash  
Sen. Stang  
Rep. Lindeen  
Mr. Sorensen  
Mr. Ebzery  
Ms. Page

## WATER POLICY

Sen. McCarthy  
Rep. Tash  
Sen. Tester

## GROWTH/ENVIRONMENTAL TRENDS/

STREAMSIDE AND RIPARIAN ZONES  
Mr. Sorensen  
Sen. Stang  
Ms. Page

EQC Recommends Special Session to Governor...The Council also heard an update from the EQC Montana-Crow Water Compact Subcommittee on the May 18th hearings in Billings and Crow Agency. The Subcommittee, along with the Law, Justice, and Indian Affairs Committee recommended that the Governor issue a call for a special session of the 56th Legislature to address the water compact and accompanying appropriations legislation if the Governor and the Attorney General have determined that the questions and concerns raised during public hearings regarding the compact have been, or can be, adequately addressed.

To Meet in September...The next EQC meeting is scheduled for September 22 and 23 in Libby, Montana.

For more information please contact the EQC staff at 444-3742 or via the Internet at <teverts@state.mt.us> .

## LAW, JUSTICE, AND INDIAN AFFAIRS COMMITTEE

Committee Organizes in April...Standing committees and conference committees were still laboring over House Bill 2, amending property tax legislation, and debating regional primaries when the Law, Justice, and Indian Affairs (LJIA) Committee held its organizational meeting on April 20. As one of two legislative bodies (with the Environmental Quality Council) assigned by the Legislative Council to participate in public meetings leading up to an anticipated mid-June special session to address the Crow water compact\*, the LJIA was compelled to meet prior to sine die in order to elect its presiding officers and receive a briefing on the compact and the expectations of the Legislative Council.

At the April 20 meeting, the LJIA elected Senator Grosfield as chair and Representative Juneau as vice-chair before hearing a synopsis of the Crow compact issues. While the Crow compact and the prospect of a special session has been consuming all of the LJIA's time, the Committee will be grappling with a variety of additional items through the course of the 1999-2000 interim.

\* As of May 25, the Governor had not yet issued a call for a special session. Once that occurs, legislators should be watching their mail for a synopsis of the compact and copies of a bill ratifying the compact and a companion bill providing for an appropriation of settlement funds. The bills cannot be officially drafted and entered into the system until a call is made by the Governor.

LJIA's Statutory Mandate...Section 28, Ch. 19, L. 1999 reads:

"The law, justice, and Indian affairs interim committee has administrative rule review, program evaluation, and monitoring functions for the department of corrections and the department of justice and the entities attached to the departments for administrative purposes. the committee shall act as a liaison with the judiciary and shall act as a liaison and forum for state and tribal relations."

In keeping with the precedent set by the Committee on Indian Affairs and in fulfilling its own statutory mandate, the LJIA will serve as a forum for state/tribal relations and will continue the dialogues with the state's Indian tribes that the Committee on Indian Affairs had established during its 20-year existence. As the bill

that reorganized the interim committee structure (SB 11) took shape, there was considerable discussion and concern expressed about dissolving the Committee on Indian Affairs and the resulting potential loss of a forum for state/tribal relations. The language placed in SB 11 to address those concerns underscores the importance of the LJIA continuing the efforts of the Committee on Indian Affairs to maintain communication links between state and tribal governments.

Unlike the ongoing efforts surrounding Indian affairs and state/tribal relations, the LJIA will be breaking new ground as it establishes formal lines of communication with the judiciary. While various recent interim committees, such as the Juvenile Justice and Mental Health Study Commission and the Correctional Standards and Oversight Committee, have involved members of the state's judiciary, there has not been a formal, permanent relationship established between the legislative and judicial branches of government. The Legislative Services Division's Legal Director, Greg Petesch, recently addressed district judges and members of the Supreme Court at the judges' spring training conference. Mr. Petesch briefed the judges on the creation of the LJIA and of the Committee's statutory mandate to act as a liaison with the judiciary. Mr. Petesch has indicated that members of the judiciary responded positively to his comments and were looking forward to exploring the advantages of this new relationship between the legislative and judicial branches of government.

Legislative Services Division attorneys John MacMaster and Valencia Lane will be sharing the LJIA's legal staffing duties and coordinating the Committee's administrative rule review responsibilities with the Department of Corrections and the Department of Justice.

LJIA's Assigned Studies...At its May 17 meeting, the Legislative Council assigned the following studies to the LJIA: HJR 37-Study of Women's Prison Issues, SJR 14-Study of Criminal Sentencing Statutes and Data, and HJR 12-Study of a Proposed State Commission on Indian Affairs

The Legislative Council also passed a motion to direct the LJIA to work with the Environmental Quality Council (EQC) on HJR 34, a study and review of eminent domain laws. The EQC has appointed a subcommittee to focus on HJR 34, but the extent to which the LJIA will participate has yet to be determined by Senator Grosfield and the Committee.

Looking Forward to Interim...The 1999-2000 interim promises to be an engrossing and enlightening 18 months for the LJIA and the 5 other brand new interim committees created by Senate Bill No. 11. The LJIA has some weighty issues on its interim agenda, but with an expanded membership and an engaged contingent, this interim will prove to be a worthwhile exercise for the Legislature, the state's Indian tribes, the departments of Corrections and Justice, and the judicial branch of Montana's state government.

For more information on the Law, Justice, and Indian Affairs Committee, contact Leanne Kurtz, Legislative Services Division, at 444-3064 or via e-mail at <lekurzt@state.mt.us>.

## THE BACK PAGE

**Interim Study Poll Results**

by Dave Bohyer, Research Director  
 Legislative Services Division

Under 5-5-217(1), MCA, the Legislative Services Division prepares on behalf of the Legislative Council a list of studies requested by joint resolution and by bill and conducts a poll of all 150 legislators to ascertain the general rank of the studies requested. The interim study poll was mailed to all 150 legislators on Thursday, April 22, the day following adjournment sine die. Legislators responded well to the poll with 127 ballots returned (of which 123 met the deadline). The rankings, by total votes received, are listed below.

**SUMMARY RESULTS OF THE 1999 INTERIM STUDY POLL AS RANKED BY THE  
 TOTAL NUMBER OF VOTES RECEIVED  
 (AS OF 5 P.M., THURSDAY, MAY 12, 1999)**

RANK BY TOTAL VOTES	BILL OR RESOLUTION NUMBER	STUDY TOPIC/DESCRIPTION	TOTAL VOTES RECEIVED
1	HJR 29	Laws governing cities, counties, local governments	60
2	HJR 35	Mental health managed care(LSD/LFC)	59
2	HB 404	<i>Funding for TAC (study required in SB 390/396 in 1997)</i>	59
2	HJR 34	Eminent domain	59
5	HB 515	<i>Government competition with private vendors</i>	55
6	SJR 18	Study MEPA (EQC)	51
7	HB 2	<i>IT management (LFD/LFC)</i>	48
8	SJR 15	High claims, high rates, and low benefits in workers' comp	40

9	SJR 16	Funding and administration of Montana higher education	39
10	HB 339	Reapportionment of judicial districts	34
10	HJR 38	Juvenile probation officers salaries	34
12	HJR 37	Women's prison issues	32
13	HJR 12	Proposed state commission on Indian affairs	31
14	HB 458	<i>BMPs for streamside corridors and riparian areas</i>	29
14	SJR 14	Criminal sentencing statutes and data	29
16	HJR 18	Broadcasting legislative deliberations	27
16	HJR 33	Funding and management of wildlife resources	27
18	HB 79	<i>Retirement issues</i>	26
18	SJR 21	Incentives to preserve agricultural land	26
20	HB 566	Alternatives to federal Brady handgun law	24
21	HJR 3	Voluntary clean-up of contaminated sites	23
22	SB 454	<i>State payments in lieu of taxes to local governments</i>	19
23	SB 482	Study of mortgage lending	18
24	SJR 9	State contracting laws and procedures	17
	ALL	TOTAL VOTES CAST	866
	ALL	TOTAL BALLOTS	123
	ALL	AVERAGE (MEAN) VOTES PER STUDY	36
	ALL	AVERAGE (MEDIAN) VOTES PER STUDY	31.5

Note: The six studies/activities printed in italics are statutorily required to be conducted.

Under Title 5, chapters 5 and 11, MCA, the Legislative Council is delegated the tasks of selecting the interim studies to be conducted and assigning the selected duties to the various committees. The Council met on Monday, May 17, to carry out that task.

Following thoughtful and vigorous discussion among the members, the Legislative Council selected 22 of the 24 studies requested or required under legislation adopted by the 56th Legislature. (Six studies were specifically required by legislation.) Concurrently, the Council also assigned the studies to the various interim and statutory committees. The studies selected and the committees to which the respective studies were assigned are shown below.

**1999-2000 INTERIM  
ASSIGNMENT OF INTERIM STUDY REQUESTS  
BY THE LEGISLATIVE COUNCIL  
MAY 17, 1999**

(Bills/studies printed in bold are required by statute)

COMMITTEE	STUDY	STUDY	STUDY
Legislative Council	HJR 18	HB 339	
Education and Local Government	HJR 29	SJR 16	HJR 38
Children, Families, Health, and Human Services			
State Administration, PERS, and Veterans	<b>HB 79</b>	SJR 9	
Business, Labor, and Agriculture	<b>HB 515</b>	SJR 15	SJR 21
Law, Justice, and Indian Affairs	SJR 14	HJR 37	HJR 12
Revenue and Taxation	<b>SB 390</b>	<b>SB 396</b>	<b>SB 454</b>
Transition Advisory Committee	<b>SB 390</b>	<b>SB 396</b>	
EQC	<b>HB 458</b>	SJR 18	HJR 34
Legislative Finance Committee	<b>HB 2</b>	HJR 35	HJR 33

BILL NO.	STUDY DESCRIPTION
HB 2	Information technology
HB 79	Retirement issues
HB 339	Judicial redistricting
HB 458	BMPs for streamside corridors
HB 515	Government competition w/private vendors
SB 390 (1997)	Electric utility restructuring
SB 396 (1997)	Natural gas utility restructuring
SB 454	State payments in lieu of taxes
HJR 12	Commission on Indian affairs
HJR 18	Broadcasting legislative deliberations
HJR 29	Laws governing local governments
HJR 33	Funding/management of wildlife resources
HJR 34	Eminent domain
HJR 35	Mental health managed care
HJR 37	Women's prison issues
HJR 38	JPO salaries
SJR 9	State contracting laws and procedures
SJR 14	Sentencing statutes and data
SJR 15	Work Comp claims, rates, and benefits
SJR 16	Funding/administration of higher education
SJR 18	Study MEPA
SJR 21	Incentives to preserve agricultural lands

In addition to selecting and assigning interim studies, the Legislative Council also expanded the Education Committee from eight members to 12 members, with the four additional members to be selected from the respective standing committees on local government. The Council also expanded the Committee's jurisdiction to include local government issues and will refer to the Committee as the Education and Local Government Committee. Finally, the Legislative Council expanded the jurisdiction of the Business and Labor Committee to also include "agriculture" and to refer to the Committee as the Business, Labor, and Agriculture Committee. The Council's changes to committee jurisdictions and names will be recommended to the 57th Legislature in legislation.

Members of the legislative interim committees and statutory committees are available on the legislative website at <<http://state.mt.us/leg/branch/Roster99.htm>>. For more information, please contact Dave Bohyer at the Legislative Services Division, 444-3064 or by e-mail at <[dbohyer@state.mt.us](mailto:dbohyer@state.mt.us)>.



## **INTERIM CALENDAR**

### **JUNE**

June 15, Revenue and Taxation Committee, Room 443, Federal Building, 301 S. Park,  
10 a.m.

June 17, Legislative Finance Committee, Room B7, Federal Building, 301 S. Park,  
9 a.m.

370 copies of this public document were published at an estimated cost of 60¢ per copy, for a total cost of \$222.00, which includes \$162.00 for printing and \$60.00 for distribution.

Legislative Services Division

Room 138, State Capitol

P.O. Box 201706

Helena MT 59620-1706



